

**Remarks**

Claims 1, 3 and 18 have been amended. Claims 1, 3-5 and 7-20 remain in the application. Reconsideration of the rejections and objections at an early date is requested.

The examiner rejected the claims under 35 U.S.C. 112, second paragraph, as being indefinite. In response, claims 1 and 18 have been amended to make clear that it is the sample inside the second container that is completely isolated from the medium. As to the "--" in claim 3, that is simply to typo and has been removed by amendment. Thus, these rejections are not overcome.

Claims 1, 3-5 and 7-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Grant (U.S. Patent No. 3,289,482). Claims 1 and 18 have been amended to limit the device and method to sampling liquid samples. Also, the claims have been amended to limit the means by which the valve element is opened to "solely" by the negative pressure, so that the sample probe does not include anything other elements to in the opening of the valve element.

Grant is applicable only to gaseous samples and, thus, does not apply to the amended claims. Moreover, the presently claimed invention is not made obvious by Grant because the device in Grant cannot receive samples in a dead volume free manner. One reason for that is that in Grant the gas inlet and gas outlet lines 18, 19 are on the same level as chamber 11. If the device in Grant were used for sampling liquids, the liquid inside the chamber would not be completely transferred out of the chamber 11 by the gas inlet and gas outlet lines 18, 19. That is, liquid would remain in the device below the level of the annular groove 12. As a result, the

remaining liquid would stay below this level and could not be transferred out without any dead volume.

Also, the claims have been amended to state that the present invention relies solely on negative pressure in the single discharge line to automatically open the valve element and conveying the sample that is to be taken from the container into the discharge line. Contrary to this, Grant requires other elements to accomplish this, such as a valve switcher, e.g. solenoid actuator 14.

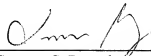
Thus, it is respectfully submitted that Grant does not make the present claims obvious.

Therefore, all pending claims should now be allowable. Allowance of claims 1, 3-5 and 7-20 at an early date is respectfully requested.

**ATTORNEY DOCKET NO. 08146.0014U1**  
**VIA EFS-WEB**

A Credit Card Payment is being submitted via EFS authorizing payment in the amount of \$650.00, representing \$245.00 for a small entity under 37 C.F.R. § 1.17(a)(2) for a two-month extension and \$405.00 for the fee for a Request for Continued Examination. A Request for Extension of Time and Request for Continued Examination are enclosed. This amount is believed to be correct, however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,



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